

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW STAFF REPORT & DECISION

Form DS1201 SPR



**Project Name:** MANOR HIGHWAY AUTO SALES

**Case Number:** PSR2009-00046; SEP2009-00096; WET2009-00074; EVR2009-00054; MZR2009-00072

**Location:** 11418 NE 72<sup>nd</sup> Avenue

**Request:** The applicant is requesting site plan approval to construct a 5,350 square foot auto sales office building with associated paved parking and display areas on an approximately 0.84 acre site located in the General Commercial (GC) zoning district. A waiver of the requirement to connect to public sewer is requested.

**Applicant:** Carlo Magno  
766 SE Fairwinds Loop  
Vancouver, WA 98661  
(360)576-7801; mydiamondmia@aol.com

**Contact Person:** Olson Engineering  
Attn: Mike Odren  
1111 Broadway  
Vancouver, WA 98660  
(360)695-1385; mikeo@olsonengr.com

**Property Owner:** Magno Irrevocable Trust  
766 SE Fairwinds Loop  
Vancouver, WA 98661

## DECISION

**Approved, subject to Conditions**

**DS Manager's Initials:** MOB

**Date Issued:** March 10, 2010

## County Review Staff:

	<u>Name</u>	<u>Phone</u> (360) 397- 2375 Ext.	<u>E-mail Address</u>
<b>Planner:</b>	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
<b>Engineer:</b> (Trans. & Stormwater)	David Bottamini, PE	4881	David.bottamini@clark.wa.gov
<b>Engineer:</b> (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
<b>Wetlands:</b>	Brent Davis	4152	Brent.davis@clark.wa.gov
<b>Manager:</b>	Mike Butts	4137	Michael.butts@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
<b>Fire Marshal:</b>	Tom Scott	3323	Tom.scott@clark.wa.gov

**Comp Plan Designation:** General Commercial (GC)

**Parcel Number:** Parcel 119887-180, located in the NE Qtr of Section 31, Township 3 North, Range 2 East of the Willamette Meridian.

### **Applicable Laws:**

Clark County Code (CCC) 15.12 (Fire), Title 24 (Public Health), 40.230.010 (Commercial Districts), 40.320 (Landscaping/Screening), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.385 (Stormwater/Erosion Control), 40.450 (Wetlands Protection), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.010 (Legal Lot Determination), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees).

### **Neighborhood Association/Contact:**

Sunnyside Neighborhood Association  
George White, President  
PO Box 820072  
Vancouver, WA 98682  
(360) 896-6216  
E-mail: sunnyside5@pacifier.com

### **Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the

application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 30, 2009. The pre-application qualified to be contingently vested as of April 9, 2009.

The fully complete application was submitted on October 30, 2009 and determined to be fully complete on November 16, 2009. Given these facts the application is vested on April 9, 2009.

**Time Limits:**

The application was determined to be fully complete on November 16, 2009. The application was on hold for 40 days at the applicant's request. Therefore, the County Code requirement for issuing a decision within 78 days lapses on March 14, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on April 25, 2010.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Sunnyside Neighborhood Association, SEPA Agencies, and owners of property located within 300 feet of the site on November 24, 2009.

**Public Comments:**

In response to the public notice, the county received two comment letters, as follows:

1. Received on December 9, 2009 from Washington Department of Ecology (Exhibit #7). The letter from Ecology states that there is known contamination on the site and on a nearby site within a half mile. If environmental contamination is encountered during construction it should be managed so it does not spread to other media or off-site, and discovery and cleanup should be documented for and reported to the Ecology site manager pursuant to Model Toxics Control Act 173-340-300. For assistance regarding cleanup information on sites listed above contact the Ecology project manager. The applicant should make sure only clean soil is used as fill. Provisions and equipment should be on hand to contain and cleanup a release of oil or fuel from heavy equipment operation. (see Condition B-1.b.)

The applicant is encouraged to use environmental design principles and to recycle leftover construction, demolition, and land clearing materials.

Erosion control measures must be in place to prevent any discharge of sediment or other pollutants to waters of the state. Stormwater runoff from the development needs to be treated to remove contaminants. During construction, oils, fluids, fuels, paints, solvents, and other such materials must be managed to prevent soil and water contamination. The letter contains additional recommendations for practices

to prevent water contamination. A NPDES permit is required for projects that disturb one acre or more and discharge stormwater to surface water or a storm sewer.

#### Staff Response

The applicant has been provided with a copy of the letter from Ecology, and is separately responsible for compliance with all state and federal regulations (see Condition B-1.a.) A demolition permit from the Clark County Building Department is required prior to demolition or removal of any existing structures (see Condition B-1.b.). Erosion control measures will be monitored by county inspection staff during construction, and the development will be required to manage stormwater in accordance with the Stormwater and Erosion Control Ordinance (see the Stormwater section below).

2. Received on December 21, 2009 from John & Bryan Gregg, 11416 NE 72<sup>nd</sup> Avenue (Exhibit #10). The letter recommends a "safe distance vision triangle" be maintained on the southeast corner of the landscape buffer with landscaping not to exceed a height of 12 inches for about 15 feet from the street. The proposed height of landscaping, they say, could conceal small children darting into the street. They indicate that less or lower landscaping could deter vandalism.

#### Staff Response

The county landscape buffer requirements are identified and discussed under Finding 2 below. The L2 standard required along the site frontage prescribes a 3-foot high shrub screen with a canopy tree every 30 feet. The L2 buffer has been the standard in the county for the site frontages of commercial developments since 1995 or before, and has not been found to be a safety hazard of any kind, in practice. The 3-foot height does not obscure vision for vehicles leaving or entering driveways nor does it obscure a view of the site from off site. It does provide some screening for vehicle headlights between the site and the public street, and it does add to the aesthetic appearance of a site and provide a small amount of urban animal habitat. Regarding the concern that it could conceal children who might dart into the street, staff finds that it will more likely serve as a barrier preventing any small child on the site from darting into the street.

### **Project Overview**

The site is a 0.9 acre parcel containing an existing building currently used for auto sales. This site is the subject of a Code Enforcement case (CDE 98-01434) for having established the auto sales use on the site without site plan approval.

The applicant now requests site plan approval to construct a new 5,350 square foot building on the site and operate a car sales lot. The existing building would be removed from the site.

Besides the existing building, the east half of the property is paved and the west half has been graveled. The topography is relatively flat.

The parcel abutting the site on the north contains a drive up coffee stand, and the southerly-abutting parcel contains another auto sales lot. Abutting the site on the west are a vacant parcel and one containing a dwelling. East of the site across 72<sup>nd</sup> Avenue are vacant properties.

The site is located in the Clark Public Utilities service area for public water, the Clark Regional Wastewater District for public sewer, and within Fire District 5.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	General Commercial	General Commercial	Used Car Lot
North	General Commercial	General Commercial	Drive-up Espresso Stand
East	Community Commercial	Community Commercial	Vacant
South	General Commercial	General Commercial	Used Car Lot
West	General Commercial	General Commercial	Single-family Residence/ Vacant

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

**LAND USE:****Finding 1      Uses**

The proposed auto dealership is allowed in the General Commercial (GC) zone pursuant to CCC Table 40.230.010-1, subject to site plan approval in accordance with CCC 40.520.040.

Vehicle repair and service facilities are not proposed. Such facilities require different stormwater standards and approval of a CARA (Critical Aquifer Recharge Areas) permit. Therefore, repair and servicing of vehicles shall be prohibited on the site. (see Condition H-1)

**Finding 2      Landscaping**

A minimum 15% of the site area is required to be landscaped, in accordance with CCC 40.230.010(D)(4). The preliminary site plan and landscape plan demonstrate compliance with this requirement.

Landscape buffers are required around the perimeter of the site in accordance with CCC Table 40.320.010-1, as follows:

- North & east (abutting streets): 10-foot buffer with L2 landscaping
- West & south (abutting CG): 5-foot buffer with L1 landscaping

The revised preliminary landscape plan (Exhibit 12) provides the required buffers and demonstrates compliance with the required planting standards.

Landscape islands are required in the vehicle parking areas at a minimum ratio of one island per seven parking spaces, in accordance with CCC 40.320.010(E). Based on 14 proposed parking spaces, a minimum of 2 landscape islands are required and are provided.

Trees are required along the front of the commercial building in a landscape strip or tree wells, in accordance with CCC 40.230.010(D)(5)(b). The revised preliminary landscape plan provides the required trees.

An irrigation plan is required in accordance with CCC 40.320.010(G)(7). (see Condition A-7.a.)

Street trees are required within the right-of-way along the site frontage of NE 72<sup>nd</sup> Avenue because 72<sup>nd</sup> Avenue is an arterial. The preliminary landscape plan provides the required street trees.

Prior to occupancy, verification is required that the landscaping has been installed in accordance with the final approved landscape plan. (see Condition F-1)

**Finding 3 Pedestrian Circulation**

On-site pedestrian routes are required connecting between uses on the site and connecting buildings with public streets. In the Commercial zones, pedestrian routes connecting buildings with the public streets are required to be a minimum 8 feet wide with a 3-foot landscape strip, in accordance with CCC 40.230.010(D)(5)(a). Where they cross vehicle circulation lanes, the pedestrian routes need to be of a contrasting surface or material, in accordance with ADA standards.

The preliminary site plan and landscape plan demonstrate compliance with these requirements.

**Finding 4 Parking**

County parking standards are contained in CCC 40.340.010. Off street parking is required in accordance with Table 40.340.010-4, which requires a minimum on one parking space per 1,000 square feet gross floor area for auto sales buildings, and one space per 2,500 square feet of outdoor display area.

Based upon a 5,350 sq ft building and 9,380 square feet of display area, a minimum nine parking spaces are required. The site plan provides 14 parking spaces, including one ADA accessible van space, as required.

**Finding 5 Lighting**

The preliminary site plan identifies an outdoor light proposed in the display area. The plan also identifies a 1 foot candle photometric line for each light. However, to help ensure that the development will not result in significant glare off site, a specific condition is warranted requiring that proposed site lighting be located, shielded and directed in such manner as to prevent off site glare. (see Condition H-2)

**Finding 6 Solid Waste Storage**

Storage areas for solid waste and recyclables are required in accordance with CCC 40.360. The preliminary site plan identifies a 64 sq ft trash enclosure area meeting the size and location requirements. The enclosure shall be designed in accordance with the criteria in CCC 40.360.030. (see Condition A-1.a.)

**Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to the conditions identified under Conditions of Approval below, meets or can meet the land use requirements of the Clark County Code.

## **ARCHAEOLOGY:**

### **Finding 7 Archaeology**

Most of the site is mapped on the County Archaeological Predictive Maps as having a high (80-100%) probability of containing artifacts. Therefore, an archaeological predetermination was required. The archaeological survey was sent to the Washington Department of Archaeology & Historic Preservation.

DAHP has issued a letter dated November 24, 2009 (Exhibit #6) concurring with the survey recommendation that no further archaeological work is necessary at this time.

If any archaeological or cultural artifacts are discovered in the course of development, all work in the immediate vicinity should stop, the area should be secured, and the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. (see Condition A-1.b.)

### **Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

## **WETLANDS:**

### **Finding 8 Wetland Determination**

The applicant submitted a "Preliminary Wetland Assessment" dated October 22, 2009, prepared by The Resource Company, Inc. (Exhibit 2, Tab Q). Staff reviewed the assessment and issued a wetland determination report on December 21, 2009 (WET2009-00074). Staff agrees with the wetland boundaries shown in the assessment report.

A wetland is located along the western property boundary. The buffer of the wetland is functionally isolated by existing gravel on the site (CCC 40.450.030(E)(4)(b)). Therefore the buffer includes all of the area between the wetland boundary and the existing gravel. The edge of existing gravel is shown on the Existing Conditions Plan (Exhibit 2, Tab H, Sheet "EX1 of 1").

The Preliminary Site and Lighting Plan (Exhibit 2, Tab H, Sheet "SP1 of 1") shows that most of the proposed development will occur within the area of existing gravel. The exception to this is the proposed road (NE 116<sup>th</sup> Street) and access now proposed on the northern portion of the property (see Exhibit #12), which will impact a portion of the wetland buffer. No direct wetland impact is being proposed.

### **Finding 9 Wetland Delineation and Permits**

The proposed road (NE 116<sup>th</sup> Street) and access on the northern portion of the property (see Exhibit #12) are recent additions to the site plan. The applicant has requested that review of the associated wetland buffer impacts be required as a



condition prior to construction rather than addressed through a preliminary wetland permit.

Staff is willing to support postponing the wetland permit to be completed prior to construction, assuming the impacts may be reviewed under a Type I wetland permit. Staff finds it likely that the impacts of the road and access will result in <0.1 acre of wetland impact, and thus could likely be reviewed under the scope of a Type I wetland permit.

Under CCC 40.450.030(G)(3), the responsible official may waive the requirements of Sections 40.450.030(D) and (E) for "site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers," if development envelopes are shown on the preliminary application and on the final site plan, and a note referencing the development envelopes is placed on the final site plan. With the addition of the proposed road (NE 116<sup>th</sup> Street) and access on the northern portion of the property (see Exhibit #12), the project no longer qualifies for this waiver. A wetland delineation and mitigation plan will be required at the time of wetland permit application. (see Conditions A-1.c. & d, B-1.a, & C-1)

#### Finding 10    Landscaping

The Preliminary Landscape Plan (Exhibit 2, Tab H, Sheet LS1 of 1) shows various native and non-native species to be installed along the western property line, within the wetland and/or its buffer. The landscape plan does not show the existing trees in that vicinity. Note 5 on the landscape plan states, "All existing vegetation shall be removed." This plan implies that native trees will be removed and replaced with non-native trees within a regulated wetland or its buffer. Although this is not an acceptable practice, staff finds that the proposal can be made to comply with the wetland protection ordinance through conditions to prohibit native species removal and exotic species installation. (see Conditions A-1.c. & A-7.b. & c.)

#### **Conclusion (Wetlands):**

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary site plan complies with the requirements of the Wetland Protection Ordinance PROVIDED that certain conditions (referenced above) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

#### **TRANSPORTATION:**

##### Finding 11    Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of CCC 40.350.010. The proposal meets the pedestrian circulation code.

#### Finding 12 Circulation Plan

The applicant's revised site plan proposes a roadway that will ultimately provide circulation to NE 70<sup>th</sup> Avenue to the west. The applicant indicates that the roadway will also provide access to the parcel to the north (119887-160). The location of the roadway results in block lengths of no more than 800 feet to the north and south. The roadway meets the circulation code that the applicant initially requested relief from through a road modification application. The revised plan (Exhibit #12) complies with the circulation plan requirements in Section 40.350.030(B)(2).

#### Finding 13 Roads

NE 72<sup>nd</sup> Avenue is classified as an "Urban Principal Arterial" (Pr-4cb). The required half-width improvements include 50 feet of right-of-way, 35 feet of paved width, curb, gutter, and sidewalk. The applicant proposes the correct required right-of-way dedication and minimum half-width frontage improvements on the revised site plan. (see Condition A-1.e.)

The applicant has proposed an "Urban Local Industrial" roadway located primarily on the parcel to the north (119887-160) which is also owned by the applicant. The applicant proposes to dedicate the full width of right-of-way, which is 50 feet. The applicant proposes 20 feet of partial width of roadway, a 6-foot sidewalk, curb, and gutter. The applicant shall provide the physical improvements to the maximum extent possible short of impacting an existing wetland and its buffer which requires additional study and mitigation. Per table 40.350.030-6, the curb return radii shall be 45 feet at a minimum. (see Condition A-2.a.)

The proposed driveway approach shall be as consistent as possible with standard drawings F16 or F17. A modified driveway approach is acceptable. Diagrams of turning movements at the driveway approach and on-site shall be provided. (see Condition A-2.b.)

#### Finding 14 Road Modifications

The applicant has submitted a road modification application that addresses three issues:

1. The applicant has requested an unrestricted driveway access to NE 72<sup>nd</sup> Avenue. The applicant subsequently submitted a revised site plan (Exhibit #12) that no longer proposes a driveway approach to NE 72<sup>nd</sup> Avenue.
2. The applicant has requested relief from driveway spacing requirements; however, the revised plan includes the removal of the driveway approach.
3. The applicant requested relief from circulation requirements; however, he has proposed circulation through a revised plan.

Conclusion: A road modification is not required for this proposal.

#### Finding 15 Sight Distance

The applicant has submitted a sight distance analysis letter dated October 22, 2009 (Exhibit #2, Tab R). In the letter, the applicant indicates that above ground utilities and landscaping should not impede required sight distance standards.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. The applicant shall meet the standards of CCC 40.350.030(B)(8). (see Condition A-2.c.)

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions referenced above, meets the transportation requirements of Clark County Code.

#### **TRANSPORTATION CONCURRENCY:**

#### Finding 16 Trip Generation

County concurrency staff has reviewed the proposed Manor Highway Auto Sales development consisting of one building totaling 5,350 square feet. The applicant's traffic study estimates the p.m. peak-hour trip generation at 10 new trips.

This trip generation was estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located at 11418 NE 72<sup>nd</sup> Avenue in Vancouver.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

#### Finding 17 Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic engineer has submitted additional information (Exhibit #12), applicable to the revised site plan, that indicates this proposed development will take

access from a newly proposed local industrial road (NE 116<sup>th</sup> Street) along the northern property line. This proposed public local industrial road will connect with NE 72<sup>nd</sup> Avenue at a new 'T' intersection at the northeast corner of the proposed development.

The applicant proposes a full access onto NE 116<sup>th</sup> Street. The additional study information shows that this full access location will maintain a LOS A in the 2012 build-out horizon. The analysis also shows that the new intersection of NE 116<sup>th</sup> Street/NE 72<sup>nd</sup> Avenue will maintain an LOS D in the 2012 build-out horizon. These LOS were evaluated in the p.m. peak hour. Staff concurs with the applicant's findings.

#### Finding 18 Historical Accident Situation

The applicant's traffic study has analyzed the accident history in the vicinity, on NE 72<sup>nd</sup> Avenue, near the proposed development. The accident history was obtained from Clark County for a 3-year period, 2006 - 2009.

The applicant's analysis concluded that the study intersections did not exceed thresholds that would warrant additional analysis. Further, the county has recently re-striped NE 72<sup>nd</sup> Avenue along the frontage of the proposed development. These recent changes to NE 72<sup>nd</sup> Avenue makes the correlation to crash history, indicative of safety issues prior to the improvement, no longer valid. County staff agrees with the applicant's findings.

Therefore, no further accident history analysis or mitigation is necessary.

#### Finding 19 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes at the site access on NE 72<sup>nd</sup> Avenue. The applicant's study concluded that turn lanes are not warranted due to low turning volumes. The county concurs with the applicant's findings.

#### Finding 20 Concurrency Compliance

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within one mile of the proposed development. Typically, the county's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the county's

transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments in an urban area that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the county's model, but, are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

#### Signalized Intersections

The county's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, county staff has determined that this development will comply with adopted concurrency standards for signalized intersections.

#### Unsignalized Intersections

County staff has performed an evaluation of the operating levels and delay standards represented in the county's model. The county's model consists of the study intersections of regional significance in the development area yielding operating levels and delay standards, during both the AM and PM peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The county has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

#### Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the county's model of the study corridors of regional significance under county jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

#### Summary

The county has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under county jurisdiction.

The county incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the county for costs incurred in running the concurrency model. (see Condition A-3)

#### **Conclusion (Concurrency):**

Based upon the development site characteristics, the submitted traffic study dated October 22, 2009 prepared by Kittelson & Associates (as augmented by Exhibit #12), the requirements of the county's Transportation Concurrency Ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county Transportation Concurrency Ordinance, CCC 40.350.020.

## **STORMWATER:**

### **Finding 21    Applicability**

The application is vested under the previous Stormwater and Erosion Control Ordinance (CCC 40.380), which applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in Section 40.380.030.

This project will create more than 2,000 square feet of new impervious surface and is a land disturbing activity not exempted in Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

### **Finding 22    Stormwater Proposal**

The applicant submitted a preliminary stormwater analysis proposing the use of StormFilter (Contech Stormwater Solutions) and underground detention. The facilities are to be privately owned and maintained.

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (see Condition A-5.a.)

According to CCC 40.380.050(B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. An offsite analysis extending a minimum of one-fourth mile downstream from the development site in compliance with the provisions of CCC 40.380.040(B)(2) is required. (see Condition A-5.b.)

Per CCC 40.380.040(H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. (see Conditions A-5.c. & A-10.a.)

### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions referenced above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **FIRE PROTECTION:<sup>1</sup>**

### **Finding 23 Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

### **Finding 24 Fire Flow**

Fire flow in the amount of 1,500 gallons per minute supplied for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. Fire flow is based upon a 5,350 sq. ft. type V-B constructed building.

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Condition B-1.d.)

### **Finding 25 Fire Hydrants**

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. One fire hydrant is required to support fire flow of 1,500 gpm. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. (see Condition A-8.a.)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Condition C-2.a.)

### **Finding 26 Fire Apparatus Access**

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Condition C-2.b.)

Fire apparatus turnarounds are not required for this application.

Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. (see Condition A-8.b.)

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<sup>1</sup> This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 27 Fire Alarm Systems

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. (see Condition E-1)

**Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets or can meet the fire protection requirements of the Clark County Code.

**WATER & SEWER SERVICE:**

Finding 28 Public Water

The site will be served by Clark Public Utilities for public water. The applicant submitted a utility review from CPU confirming that services are available to the site from NE 72<sup>nd</sup> Avenue. The utility review identifies connection requirements.

Approved connection to public water shall be verified prior to occupancy. (see Condition F-2)

Finding 29 Public Sewer

The site is located within the Clark Regional Wastewater District boundaries; however, the utility review from the district indicates that the sewer line located in adjacent NE 72<sup>nd</sup> Avenue is currently a dry line pending extension of the line to a new pump station to be constructed adjacent to NE 110<sup>th</sup> Street, approximately 1,900 feet east of NE 72<sup>nd</sup> Avenue.

Another potential connection would require a temporary sewer pump to pump from the site to a location roughly 680 feet southwest of the site.

Therefore, the applicant is requesting approval of a sewer waiver to be allowed to utilize the site's existing septic system.

Finding 30 Sewer Waiver

CCC 40.370.010(C) provides exceptions to the requirement for new structures within the Urban Growth Area to connect to public sewer, as follows:

*Inside UGAs and rural centers served by public sewer, connection to public sewer is required as a condition of building permit issuance for any new structure unless the responsible official determines, using a Type I review process, that one (1) of the following exceptions applies:*

- 1. The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewage effluent production.*
- 2. The new structure lawfully incorporates no on-site sewage system.*



3. *The new structure is for single-family detached residential use, or a nonresidential use, generating a projected effluent flow of not more than seven hundred (700) gallons per acre per day, if:*
  - a. *Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law; and*
  - b. *Extension of public sewer is impractical based upon the following criteria:*
    - (1) *Public sewer would have to be extended more than three hundred (300) feet; or*
    - (2) *Necessary permission cannot be obtained from intervening landowner(s); or*
    - (3) *Intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable; and*
  - c. *A covenant to the county surveyor or purveyor is recorded which commits the current future property owner(s) to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.*

Staff finds as follows:

- 1) The proposed new structure is a replacement of an existing structure that is currently served by an existing non-conforming septic system located partially on the adjoining lot to the south. The applicant has not provided any information regarding whether or not the new structure would entail a material increase in effluent.
- 2) The new structure does incorporate facilities requiring a sewage system.
- 3) The applicant has submitted a sewage effluent calculation stamped by an engineer licensed in the State of Washington estimating a daily sewage production of 140 gallons per day, based on 35 gallons per day per employee.
  - a) The auto sales use is not expected to generate hazardous or dangerous waste.
  - b) Public sewer would have to be extended more than 300 feet, according to the utility review from Clark Regional Wastewater District.
  - c) The property owner has recorded an agreement with the Clark County Health Department committing the property owner to connect the site to public sewer within 90 days of service becoming available. The agreement further obligates the property owner to install a new conforming on site sewage system within two years, if public sewer is not yet available at that time. The agreement also has provisions required if the existing system should fail. Staff finds that the recorded MOU will meet the covenant requirement.

Based on these findings, staff concludes that the sewer waiver should be approved, subject to a condition requiring the applicant to obtain a Development Review Evaluation from the Health Department. (see Condition A-9)

**Finding 31 Health Department**

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition A-9)

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

**Finding 32 Traffic Impact Fees**

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Hazel Dell TIF district with a fee rate of \$451.00 per new trip. The adjusted trip rate for car sales (ITE 841) is 33.34 trips per thousand square feet gross floor area.

TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

$TIF = F \times T \times A \times BEF \times PB$

$TIF = \$451 \times (33.34 \times 5.35) \times 0.85 \times 0.7 \times 0.5$

$TIF = \$23,932.21$  (5,350 sq ft bldg)

TIF is payable prior to issuance of building permits. (see Condition E-2).

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 24, 2009 is hereby final.

### SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section

40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

**Staff Contact Person:** Alan Boguslawski, Planner II  
(360) 397-2375 ext 4921

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the revised plan (identified as Exhibit #12), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction/Site Plan Review**

#### **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Site Plan** – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:

- a. The solid waste storage enclosure shall be designed in compliance with the design criteria in CCC 40.360.030(B). (see Finding 6)

- b. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (see Finding 7)

- c. Wetland Plan:

1. The applicant shall apply for and obtain approval of a wetland permit to address impacts associated with the proposed road (NE 116th Street) and access on the northern portion of the property. (see Finding 9)
2. The wetland and buffer boundaries, including any areas designated for mitigation under the future wetland permit (see "1" above), shall be delineated on the face of the Final Site Plan and Construction Plan. (see Finding 9)
3. Prior to final site plan approval, the property owner shall record a revised conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in a natural state.
4. Note 5 of the landscape plan shall be revised to indicate that no native vegetation shall be removed from the wetland or its buffer, including the ash trees shown on the existing conditions plan. (see Finding 9)
5. The landscape plan shall show that any proposed landscaping on the western property line (within the wetland or its buffer) shall be limited to native species. (see Finding 10)

- d. Wetland Covenant:

The following notes shall be placed on the final site plan:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the previously recorded Conservation Covenant (AF#\_\_\_\_\_) for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this site plan."

"No clearing or development activities shall occur outside the development envelope shown on the face of this site plan unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450)." (see Finding 9)

- e. Right-of-way Dedication:

Prior to final site plan approval, right-of-way dedication documents (in a format to be provided by the county) for NE 72<sup>nd</sup> Avenue and NE 116<sup>th</sup> Street shall be recorded. (see Finding 13)

**A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall provide the proposed physical improvements for the "Urban Local Industrial" road to the maximum extent possible short of impacting an existing wetland and its buffer, which requires additional study and mitigation. Per Table 40.350.030-6, the curb return radii shall be 45 feet at a minimum. (see Finding 13)
- b. The proposed driveway approach shall be as consistent as possible with standard drawings F16 or F17. Diagrams of turning movements at the driveway approach and on-site shall be provided. (see Finding 13)
- c. The applicant shall meet the sight distance standards of CCC 40.350.030(B)(8). Above ground utilities and landscaping shall not impede required sight distance standards. (see Finding 15)

**A-3 Final Transportation Plan/Off Site (Concurrency)** – The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. (see Finding 20)

**A-4 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-5 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380, and the following conditions of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (see Finding 22)

- b. According to CCC 40.380.050(B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. An offsite analysis extending a minimum of one-fourth mile downstream from the development site in compliance with the provisions of CCC 40.380.040(B)(2) is required. (see Finding 22)
- c. Per CCC 40.380.040(H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. (see Finding 22)

**A-6 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-7 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (ref: CCC 40.320):

- a. The final landscape plan shall include an irrigation plan, in accordance with CCC 40.320.010(G)(7). (see Finding 2)
- b. Note 5 of the landscape plan shall be revised to indicate that no native vegetation shall be removed from the wetland or its buffer, including the ash trees shown on the existing conditions plan. (see Finding 9)
- c. The landscape plan shall be amended to show that any proposed landscaping on the western property line (within the wetland or its buffer) shall be limited to native species. (see Finding 10)

**A-8 Fire Marshal Requirements:**

- a. One fire hydrant is required to support fire flow of 1,500 gpm. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-759-4418 to arrange for location approval. (see Finding 25)
- b. Gates that obstruct fire apparatus access routes require permits and approval by the Fire Marshal prior to their installation. (see Finding 26)

**A-9 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (see Findings 30 & 31)

**A-10 Other Documents Required** – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (see Finding 22)

**A-11 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development</b>
	<b>Review &amp; Approval Authority: Development Inspection</b>

Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and:
  - a. Prior to construction, the applicant shall apply for and obtain approval of a wetland permit to address impacts associated with the proposed road (NE 116<sup>th</sup> Street) and access on the northerly parcel. (see Finding 9)
  - b. If environmental contamination is encountered during construction it shall be managed so it does not spread to other media or off-site, and discovery and cleanup shall be documented for and reported to the Ecology site manager pursuant to Model Toxics Control Act 173-340-300. For assistance regarding cleanup information on the site contact the Ecology project manager. The applicant shall make sure only clean soil is used as fill. Provisions and equipment should be on hand to contain and cleanup any release of oil or fuel from heavy equipment operation. (see DOE requirements, Exhibit #7)



- c. Prior to removal of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with applicable asbestos abatement requirements.
- d. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Finding 24)

**B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

**C-1 Wetlands and Buffers** - Permanent physical demarcation of the boundaries shall be installed in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) along with posting of approved signage on each lot or every 100 ft of the boundary, whichever is less. (see Finding 9)

**C-2 Fire Marshal Requirements:**

- a. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Finding 25)
- b. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Finding 26)

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Not Applicable**

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Fire Marshal Requirements** - An approved fire alarm system is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (see Finding 27)
- E-2 Impact Fees** – Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$23,932.21.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 32)

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping** – Prior to the issuance of an approval of occupancy, the applicant shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the approved plans thereon attached, and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (see Finding 2)
- F-2 Public Water** – The applicant shall provide documentation from Clark Public Utilities that connection to public water has been installed and approved. (see Finding 28)

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**

- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

### **G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 Auto repair and service** activities are prohibited on this site. (see Finding 1)

**H-2 Outdoor Lighting** – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (see Finding 5)

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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### **Decision Appeal Process:**

Any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen

(14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on March 10, 2010. Therefore any appeal must be received in this office by 4:30 PM, March 24, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240**.

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

**Attachments:**

- Copy of Revised Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

**For Staff Only:**

<b>Final Plans Required with Construction Plans</b>	<b>YES</b>	<b>NO</b>
Final Site Plan	<b>X</b>	
Final Landscape Plan:		
-On-site landscape plan	<b>X</b>	
-Right-of-way landscape plan*	<b>X</b>	
Final Wetland Plan	<b>X</b>	
Final Habitat Plan		<b>X</b>

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.





